

1 remove the above-entitled action from the Superior Court of the State of California
2 for the County of Ventura, to the United States District Court for the Central
3 District of California, and in furtherance of this removal respectfully state as
4 follows:

5 1. On or about February 23, 2017, plaintiffs filed a complaint entitled
6 Jessika Valenzuela and Eduardo Ramirez Jr., v. City of Ventura, American
7 Medical Response, Inc., Clinicas Del Camino Real, Inc., Dr. Shadi Khatib, Dr.
8 Bilal Harake, M.D., FAAP, FACC, University of California UCLA, Board of
9 Regents, and Does 1 to 25, in the Superior Court for the State of California,
10 County of Ventura. Case No. 56-2017-00493194-CU-PO-VTA. The complaint
11 appears to allege a cause of action against the Federal Defendants sounding in tort.

12 2. At the time of the incidents alleged, Federal Defendant Dr. Shadi
13 Khatib, was an employee of Federal Defendant Clinicas Del Camino Real, a public
14 or nonprofit private entity receiving federal funds under Sections 254b, 254c, 256
15 and/or 256a of the Public Health Services Act. As such, Federal Defendants Dr.
16 Shadi Khatib and Clinicas Del Camino Real are deemed to be employees of the
17 Public Health Service at the time of the incidents alleged pursuant to the Federally
18 Supported Health Centers Assistance Act of 1992, 42 U.S.C. § 233. Federal
19 Defendants Dr. Shadi Khatib and Clinicas Del Camino Real, as Public Health
20 Service employees, at the time of the incidents alleged, were acting within the
21 course and scope of their employment as medical providers pursuant to 42 U.S.C.
22 §233 and 28 U.S.C. §2679. Actions for alleged negligent acts or omissions of
23 Federal employees come within the provisions of the Federal Tort Claims Act. 28
24 U.S.C. §§1346(b), 2671 et seq.

25 3. Copies of the summons and complaint as obtained by the United
26 States Attorney's Office are attached hereto as Exhibit A.

27 4. This action is one which must be removed to this Court pursuant to 28
28 U.S.C. §2679 and 42 U.S.C. §233 for the reason that this Court has original

1 jurisdiction over civil actions for money damages for injury allegedly caused by
2 the negligence of any employee of the United States which purportedly occurred in
3 the course and scope of employment. 28 U.S.C. §§1346(b), 2671 et seq.

4 5. Attached hereto as Exhibit B is the Certification executed by the Chief of
5 the Civil Division, United States Attorney's Office for the Central District of
6 California attesting to the foregoing pursuant to the requirements of 42 U.S.C.
7 §233.

8 6. Removal is timely under 28 U.S.C. §2679 and 42 U.S.C. §233(c) in that
9 trial in this matter has not yet commenced.

10 WHEREFORE, the Federal Defendants remove the action now pending in
11 the Superior Court for the State of California, County of Ventura, Case No. 56-
12 2017-00493194-CU-PO-VTA, to the United States District Court for the Central
13 District of California and pray that such action stand so removed.

14 Dated: April 2, 2018

Respectfully submitted,

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United States Attorney
17 DOROTHY A. SCHOUTEN
Assistant United States Attorney
18 Chief, Civil Division
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19 Assistant United States Attorney
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20 /s/ Joanne S. Osinoff
21 JOANNE S. OSINOFF
22 Assistant United States Attorney
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